

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 3800 of 2006

Dated: 05.09.2006

Between:

G. Rama Krishna, S/o Paradesi, Mechanic, Staff No. 77572, Zonal Work Shop, resident of V.T. Agraharam, Vizianagaram.

.... PETITIONER

AND

The Secretary, APSRTC Staff Retirement Benefit Scheme, RTC 'X' roads, Musheerabad, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 3800 of 2006

Order:

Questioning the action of the respondents-Corporation in deducting the amounts from the salary of the petitioner even after completion of entire monthly instalments of his housing loan amount, the present writ petition is filed.

The petitioner, who is working as a Mechanic in the respondents-Corporation, availed loan of Rs.44,500/- from the respondents-Corporation under Staff Retirement Benefit Scheme for construction of a house in the month of November, 1994, which should be paid in 120 monthly instalments at Rs.728/- per month commencing from 01.01.1995. Accordingly, the respondents-Corporation has been deducting the said monthly instalments from the salary of the petitioner. While the matter stood thus, when the 1st respondent, without assigning any reasons, issued proceedings dated 27.03.2000 directing the 3rd respondent to deduct an amount of Rs.2205/- per month from the salary of the petitioner, he filed Writ Petition No. 19007 of 2000, and obtained interim stay of recovery of revised amount, and the said writ petition is still pending consideration. The petitioner states that he already paid the entire loan amount, but the respondents-Corporation, instead of closing his loan account, are still deducting the amounts from his salary, which is illegal and arbitrary. Hence, he filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

When the matter came up for admission on 07.03.2006, this Court

passed the following order.

“It is brought to the notice of this Court by the learned counsel for the respondents that the petitioner herein had filed a writ petition earlier in W.P. No. 25701 of 2005, which fact has been suppressed in the present writ petition. Learned counsel for the petitioner would submit that he would file a fresh affidavit explaining the circumstances under which the earlier writ petition was filed and that the cause therein is not connected with the one raised in the present writ petition. Learned counsel seeks two weeks time to file affidavit in this regard.

Post after two weeks.”

A perusal of the said order clearly shows that the petitioner had earlier filed Writ Petition No. 25701 of 2005 with the same relief, which he is now seeking, and therefore, he was directed to file a fresh affidavit explaining the circumstances under which the earlier writ petition was filed and that the cause therein is not connected with the one raised in the present writ petition, and granted two weeks time for filing affidavit. But the petitioner has not filed any such affidavit before this Court so far. On the other hand, the contention of the learned Standing Counsel for the respondents-Corporation is that before filing W.P. No. 25701 of 2005, the petitioner had filed another writ petition in W.P. No. 19007 of 2000 and obtained interim stay of recovery of revised EMI, and the present writ petition is a third one. It is also the admitted case of the petitioner that earlier he filed W.P. No. 19007 of 2000 and obtained interim stay of recovery of revised EMI, and the said writ petition is still pending consideration.

In the circumstances, since the petitioner failed to explain the circumstances under which the earlier writ petitions were filed and that the cause therein is not connected with the one raised in the present writ petition, I am of the considered opinion that the writ petition is not maintainable and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

N.V. RAMANA, J.

Date: 05.09.2006

Nsr/ISL